

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11
: Case No. 17-10466 (SCC)
BCBG MAX AZRIA GLOBAL :
HOLDINGS, LLC, et al., : Jointly Administered
:
Debtors. :
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DAVID MACGREEVEY, in his capacity as :
PLAN ADMINISTRATOR, : Adv. Pro. No. 17-01101 (SCC)
:
Plaintiff, :
:
vs. :
:
NYAM, LLC, :
:
Defendant. :
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**ORDER GRANTING PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

The matter having come before the Court on *Plaintiff's Motion for Partial Summary Judgment* ("Plaintiff's Summary Judgment Motion") filed by David MacGreevey (the "Plaintiff"), solely in his capacity as plan administrator, and *Defendant NYAM, LLC'S Cross-Motion for Summary Judgment* (the "NYAM Summary Judgment Motion", and together with Plaintiff's Summary Judgment Motion, the "Motions"); and the Court having considered the Motions, the declarations and other evidence submitted in support of the Motions, all responses to the Motions, and the arguments presented by counsel; and it appearing, for the reasons stated on the record at the March 5, 2019 hearing on the Motions (the "Hearing"), that good cause

exists to grant the relief requested in Plaintiff's Summary Judgment Motion; it is hereby¹

ORDERED that Plaintiff's Summary Judgment Motion is GRANTED; and it is further
ORDERED that NYAM's Summary Judgment Motion is denied for the reasons set forth on the
record of the Hearing; and it is further

ORDERED that NYAM is liable to the Plaintiff in the amount of \$675,000.00; and it is
further

ORDERED that NYAM's second affirmative defense of setoff is dismissed in its entirety;
and it is further

ORDERED that the Clerk of the Court is directed to enter judgment against NYAM in
the amount of \$675,000.00 plus interest at the federal judgment rate from the date when such
judgment becomes final and non-appealable, until paid in full; and it is further

ORDERED this Court shall retain jurisdiction to hear and determine all matters arising
from or related to the implementation of this Order and/or Judgment.

New York, New York
Dated: March 13, 2019

/S/ Shelley C. Chapman
UNITED STATES BANKRUPTCY JUDGE

¹ Capitalized terms not defined herein shall have the meanings ascribed to such terms in Plaintiff's Summary Judgment Motion or, if not defined in the Motion, in the *Memorandum of Law in Support of Plaintiff's Motion for Partial Summary Judgment*.